REMARKS

Claims 6-19 and 27-30 are now pending in the application, and claims 1-5 and 20-26 have been cancelled without prejudice. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 6-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Disclosure/Admissions in view of ARENSON (U.S. Pat. No. 6,304,769). This rejection is respectfully traversed.

Independent Claims 6 and 7

The Office Action states on page 3 that ARENSON discloses magnetically active elements located proximate the distal tip of a catheter. However, ARENSON actually discloses generating a magnetic moment at a catheter tip 24, through the application of current to coils 26_x, 26_y 26_z that are specifically made of non-magnetic materials such as Gold, Silver or Copper. (ARENSON, c. 9, ll. 12-14, 23-32). ARENSON states that an advantage of this invention is that the magnetic field in an MR (Magnetic Resonance Imaging) system can be used to maneuver a catheter. (see ARENSON, c. 10, ll. 66-67; c. 13, ll. 66 – c. 14, ll. 1).

The Applicants submit that ARENSON's teaching of coils for generating a magnetic moment used in connection with a MR field is not the same as Applicants' magnetically active elements made of a magnetic material.

Specifically, the Applicants note it is well known that intra-operative MRI imaging would not be available when a catheter device includes a magnetically responsive element. For example, KUCHARCZYK (U.S. 7,048,716) discloses a catheter having coils 10, 16, 18 similar to that in ARENSON, and states that a magnetic tip of an implanted catheter will experience forces if placed in an MR and subjected to a magnetic field, and that care must be taken to insure that the magnetic tip is removed from the catheter or patient prior to MR imaging. (KUCHARCZYK, c. 26, ll. 29-33, 38-40). NEVO (U.S. 6,594,517) discloses an MR system and a catheter having coils 22, 24, 26 similar to that in that in ARENSON, and also teaches that stereotaxis using magnetic elements "cannot be used with real-time MRI because of the MRI scanner's strong magnetic field, which precludes the use of magnetic objects inside the body during MRI scanning."

As the Office Action states on page 3, ARENSON teaches "the advantage of steering a catheter in the body", through its teachings of coils intended to be used in an MR imaging system. Thus, one skilled in the art considering ARENSON would be led in a direction of including conductive coils on a catheter for navigating the catheter via the magnetic field of an MR imaging system, and would have been led in a direction divergent from using magnetic elements that cannot be used during MR image scanning. The Federal Circuit has held that a reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be led in a direction divergent from the path that was taken by the Applicant, or the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the Appilcant. *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994).

Thus, the Applicants submit that ARENSON's teaching of a catheter having coils for maneuvering the catheter in a magnetic field of an MR (Magnetic Resonance Imaging) system teaches away from the use of magnetic elements, since one skilled in the art would not introduce a magnetic element into a patient during MRI scanning. As such, the Applicants submit that in view of ARENSON's teachings of catheter coils used for navigation in an MR system, it would not have been obvious to one skilled in the art to use the claimed magnetic elements.

Accordingly, the Applicants believe that claims 6 and 7 as currently amended are not obvious in view of ARENSON, and are patentable for at least these reasons.

Claims 8-19

With regard to claims 8-19, these claims ultimately depend from claim 6, which the Applicants believe to be allowable in view of the above remarks. As such, the Applicants submit that claims 8-19 are also allowable for at least these reasons.

NEW CLAIMS

The Applicants have added claims 27-30 to claim various features such as the magnetic elements for orienting the distal end as disclosed in paragraph [0030] of the present application, and the electrically isolated resistance heating element disclosed in paragraph [0033] of the present application.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot by the present amendments. The Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If it will advance the prosecution of this application, the examiner is invited to call the undersigned at (314) 726-7500.

Respectfully submitted,

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